

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION**

## ORDER

**IT IS HEREBY ORDERED** that the motion (Doc. No. 195) filed by non-party Dr. Jay Englehart for a protective order with regard to the subpoena served on him requiring him to appear as a witness at trial is **GRANTED**. If any party wishes to call Dr. Englehart as a witness, the parties shall confer and determine whether this will be done by contemporaneous transmission from a different location during trial, or whether a video deposition to preserve trial testimony will be taken.<sup>1</sup> The parties shall advise the Court of their decision in a timely fashion.

Audrey G. Fleissig  
AUDREY G. FLEISSIG  
UNITED STATES DISTRICT JUDGE

Dated this 10th day of June, 2016.

<sup>1</sup> Based on the telephone conference with counsel on June 8, 2016, the Court assumes for purposes of this motion that counsel for Plaintiff does not agree with the representation in the affidavit of Defendants' counsel supporting the motion for a protective order, to the effect that counsel for Plaintiff led Defendants to believe that counsel for Plaintiff would prefer that Dr. Engelhart not testify at trial.